

Torbis O. Liaison between the size of material damage caused by offence and the size of bail in criminal proceedings

According to Article 2 of CPC of Ukraine, the objectives of criminal procedure are the protection of individuals, society and the state from criminal offence, the protection of rights, freedoms and legitimate interests of participants in criminal proceedings, as well as the insurance of quick, comprehensive and impartial investigation and trial in order that everyone who committed a criminal offence were prosecuted in proportion to his guilt, no one innocent were accused or convicted, and no one were subjected to ungrounded procedural compulsion and that an appropriate legal procedure applied to each party to criminal proceedings. Accordingly, all criminal procedures should be transparent, and institutes – predictable. However, at the moment the most intricate and unclear aspect of the criminal process is the procedure for determining the size of bail as a measure of restraint. It is worth noting that, even despite the numerous criticisms of the use of bail, this measure of restraint is still fully effective and understandable for ordinary citizens. Moreover, according to the CPC of Ukraine, investigating judges, when choosing a measure of restraint in the form of detention, are obliged to determine the size of bail as an alternative measure of restraint (with some exceptions). Thus it is necessary to analyze the procedure for determining the size of bail in criminal proceeding. And first of all, it is necessary to understand the impact of the size of property damage inflicted by a criminal offense on the size of bail.

Thus, in order to establish liaison between this factors, 191 of investigating judges for the 2015-2018 period were analyzed. The category that unites all these rulings was the presence of a clearly defined property damage in the hryvnia equivalent. Also it should be noted that the bail as a single measure of restraint is used by investigating judges quite rarely.

The analysis of the liaison between the size of property damage and the size of bail showed a strong correlation between these values. However, the distribution of this rulings into groups according to the severity of crimes demonstrated a reduction in the correlation coefficient with a reduction in the severity of crimes. Moreover, there is almost no correlation between minor offences. This leads us to the conclusion that the size of property damage is an important criterion for determining the size of bail, but it cannot be a key factor. Therefore, judges should evaluate all circumstances that were given to them during the process of establishing a bail.

Key words: bail, size of bail, size of material damage